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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/817,917
Filing Date: 3/26/01
Appellant(s): MATHUR, SANJAY

Christopher P. Moreno
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 8/8/08 appealing from the Office action mailed 4/4/08.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,311,194	**Sheth et al.**	10-2001
6,970,869	**Slaughter et al.**	11-2005
7,042,851	**Rahman et al.**	5-2006

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. **Claim 25** is rejected under 35 U.S.C. 101 because the claimed invention, "a computer-readable medium having stored thereon a data structure comprising" as data structure, which lacks a physical or logical relationship among data elements, designed to support specific data manipulation functions, is directed to non-statutory subject matter. (MPEP 2106.01 – **Non-functional** descriptive material *per se*)

Claim Rejections - 35 USC § 103

The text of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. **Claims 7, 9 - 14, 25, 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sheth et al.** (US Patent No. **6,311,194**) in view of **Slaughter et al.** (US Patent No. **6,970,869**).

Regarding Claim 7, Sheth discloses a method of associating contextual information with discrete components of data, the method comprising:

a) accessing at least one discrete component of data from at least one data source; (Sheth col 4, ll 63-64: access to digital media content (text, audio, video, animation), a discrete component; col 4, ll 57-59; col 8, ll 16-18: delivered via Internet; network communications connections for data transfers (locally, remotely, or Internet access); col 4, ll 59-62; col 5, ll 9-12; col 5, ll 15-17; col 8, ll 52-58: enhances domain or subject specific original content; enhance relevant information that may not be present in original source; enhanced content stored with media)

b) associating said at least one discrete component of data with at least one domain; (Sheth col 4, ll 59-62; col 8, ll 13-16: one or more groups, categories (i.e. domains, a sphere of interest), contextual information)

c) adding contextual information to said at least one discrete component of data to provide enhanced data, the contextual information being associated with the at least one domain and comprising attributes of the at least one discrete component of data relating to an intended use of at least one discrete component of data; (Sheth col 4, ll 59-62; col 5, ll 9-12: enhanced data; col 15, ll 18-30:

contextual information (skin player background information) related to intended usage as a media player)

The intended usage of the enhanced content is as an audio media file and processing in a media player. The skin background information is the contextual information added to the content to create enhanced data. The skin background information is directly related to the intended usage (use in a media player).

Sheth discloses wherein modifying the enhanced data to include data. (Sheth col 4, ll 54-64; col 5, ll 9-12: content management system, enhanced data, intended use)

Sheth does not explicitly disclose the capability for receiving feedback data from a user of the data.

However, Slaughter discloses:

d) receiving feedback data from a user of the data; (Slaughter col 87, ll 49-53: feedback information: feedback data processing capability for managed content)

e) to include the feedback data. (Slaughter col 87, ll 49-53: feedback information: feedback data processing capability for managed content; there no disclosure of a "first instance" for feedback data; feedback data is received and processed as metadata and included in enhanced data)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sheth to process feedback data as taught by Slaughter. One of ordinary skill in the art would be motivated to employ Slaughter in order to utilized automated and dynamic communications and services, complex purchase mechanisms. (Slaughter col 5, l 67 - col 6, l 5)

Regarding Claim 9, Sheth discloses a method of delivering enhanced data through at least one digital identity comprising:

d) transmitting enhanced data from the enhanced content source to the requestor. (Sheth col 4, ll 57-59; col 8, ll 16-18: transfer enhanced content to user)

Sheth discloses wherein the enhanced data including contextual information added to at least one discrete component of data. (Sheth col 4, ll 63-64: discrete component of content; col 4, ll 59-62; col 5, ll 9-12: enhanced data) Sheth does not explicitly disclose a digital identity for the management of content.

However, Slaughter discloses:

a) receiving a request through at least one digital identity for enhanced data corresponding to an entity from a requestor; (Slaughter col 60, ll 22-28; col 60, ll 37-42: user identity, authentication (digital identity))

b) using a digital identity acting as a proxy for the entity to compare an identification of the requestor to access rights; (Slaughter col 60, ll 22-28; col 60, ll 37-42: requestor (i.e. requesting client), access controls checked; col 27, ll 20-21; col 73, ll 30-35: proxy, acting on behalf of service entity)

Slaughter has capability to act as proxy for client (Slaughter col 27, ll 20-21; col 74, ll 1-7; col 74, ll 15-19: proxy interface) and to act as proxy for service entity (Slaughter col 73, ll 30-35: proxy, acting on behalf of service entity).

c) transmitting from the digital identity to an enhanced content source an approval to release enhanced data; (Slaughter col 60, ll 22-28; col 60, ll 37-42: determine that requestor is authorized, data released)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sheth to process request/response, and act as a proxy as taught by Slaughter. One of ordinary skill in the art would be motivated to employ Slaughter in order to utilized automated and dynamic communications and services, complex purchase mechanisms. (Slaughter col 5, l 67 - col 6, l 5)

Regarding Claim 10, Sheth discloses the method of claim 9, further including: an intended use of enhanced data. (Sheth col 4, ll 59-62; col 5, ll 9-12: enhanced data; col 15, ll 18-30: contextual information (skin player background information) related to intended usage as a media player)

The intended usage of the enhanced content is as an audio media file and processing in a media player. The skin background information is the contextual information added to the content to create enhanced data. The skin background information is directly related to the intended usage (use in a media player).

Sheth does not explicitly disclose whereby comparing at the digital identity an intended use of the enhanced data to usage rules. However, Slaughter discloses wherein comparing at the digital identity an intended use of the enhanced data to usage rules. (Slaughter col 60, ll 22-28; col 60, ll 37-42: usage rules (i.e. based on user profile, digital identity), applied to content data, user identity, authentication (digital identity))

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sheth to manage services available to client-server entities as taught by Slaughter. One of ordinary skill in the art would be motivated to employ Slaughter in order to utilized automated and dynamic communications and services, complex purchase mechanisms. (Slaughter col 5, l 67 - col 6, l 5)

Regarding Claim 11, Sheth discloses the method of claim 9. (Sheth col 4, ll 54-64; col 5, ll 9-12: content management system, enhanced data, intended use) Sheth does not explicitly disclose the processing of available services by the content management system. However, Slaughter discloses the method of claim 9, wherein the digital identity is operated by a party other than the entity. (Slaughter col 38, ll 12-14; col 38, ll 48-52; col 38, ll 63-64: transactions between multiple entities completed; col 27, ll 20-21; col 74, ll 1-7; col 74, ll 15-19: proxy interface capabilities, (operated by another entity); col 73, ll 30-35: proxy, acting on behalf of service entity)
Slaughter has capability to act as proxy for client (Slaughter col 27, ll 20-21; col 74, ll 1-7; col 74, ll 15-19: proxy interface) and to act as proxy for service entity (Slaughter).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sheth to enable proxy capabilities as taught by Slaughter. One of ordinary skill in the art would be motivated to employ Slaughter in order to utilized automated and dynamic communications and services, complex purchase mechanisms. (Slaughter col 5, l 67 - col 6, l 5)

Regarding Claim 12, Sheth discloses the method of claim 9. (Sheth col 4, ll 54-64; col 5, ll 9-12: content management system, enhanced data, intended use) Sheth does not explicitly disclose whereby the digital identity is operated by the entity. However, Slaughter discloses wherein the digital identity is operated by the entity. (Slaughter col 60, ll 22-28; col 60, ll 37-42: user identity, authentication (digital identity); col 73, ll 30-35: proxy, acting on behalf of service entity))

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sheth to enable proxy capabilities as taught by Slaughter. One of ordinary skill in the art would be motivated to employ Slaughter in order to utilized automated and dynamic communications and services, complex purchase mechanisms. (Slaughter col 5, l 67 - col 6, l 5)

Regarding Claim 13, Sheth discloses the method of claim 9, further comprising enhanced content source. (Sheth col 4, ll 54-64; col 5, ll 9-12: content management system, enhanced data, intended use) Sheth does not explicitly disclose whereby the content source is operated by a party other than the entity. However, Slaughter discloses wherein the content source is operated by a party other than the entity. (Slaughter col 38, ll 12-14; col 38, ll 48-52; col 38, ll 63-64: transactions between multiple entities completed; col 73, ll 30-35: proxy, acting on behalf of service entity))

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sheth to enable proxy capabilities as taught by Slaughter. One of ordinary skill in the art would be motivated to employ Slaughter in order to

utilized automated and dynamic communications and services, complex purchase mechanisms. (Slaughter col 5, l 67 - col 6, l 5)

Regarding Claim 14, Sheth discloses the method of claim 9, further including: the enhanced content source. (Sheth col 4, ll 54-64; col 5, ll 9-12: content management system, enhanced data, intended use) Sheth does not explicitly disclose the capability to process feedback rules. However, Slaughter discloses wherein transmitting feedback rules from the enhanced content source to the requestor. (Slaughter col 87, ll 49-53: feedback information, incentive movie review read by other, can influence other in movie going public; col 12, ll 2-5; col 50, ll 63-66; col 57, ll 46-51: messaging; there no disclosure of a "first instance" for feedback data; feedback data is received processed as metadata and included in enhanced data)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sheth to process feedback data as taught by Slaughter. One of ordinary skill in the art would be motivated to employ Slaughter in order to utilized automated and dynamic communications and services, complex purchase mechanisms. (Slaughter col 5, l 67 - col 6, l 5)

Regarding Claim 25, Sheth discloses the computer-readable medium having stored thereon a data structure comprising: (Sheth col 4, ll 54-64; col 5, ll 9-12: content management system, enhanced data, intended use; col 4, ll 54-57; col 17, ll 6-9; col 17, ll 14-17: software implementation, instructions)

a) at least one discrete component of data from at least one data source; (Sheth col 4, ll 63-64: access to a media content, a discrete component; col 4, ll 57-59; col 8, ll 16-18: network connections for data transfers (Internet access); col 4, ll 59-62; col 5, ll 9-12; col 5, ll 15-17; col 8, ll 52-58: enhanced content stored with media)

b) first contextual information comprising attributes of the at least one discrete component relating to an use of the at least one discrete component of data, wherein the first contextual information is associated with a first domain;; (Sheth col 4, ll 59-62; col 8, ll 13-16: one or more groups, categories (i.e. domains, a sphere of interest), contextual information)

c) second contextual information comprising attributes of the at least one discrete component relating to another intended use of the at least one discrete component of data, wherein the second contextual information is associated with a second domain different from the first domain; and; (Sheth col 4, ll 59-62; col 5, ll 9-12: enhanced data; col 15, ll 18-30: contextual information (skin player background information) related to intended usage as a media player)
The intended usage of the enhanced content is as an audio media file and processing in a media player. The skin background information is the contextual information added to the content to create enhanced data. The skin background information is directly related to the intended usage (use in a media player).

Sheth discloses a data field. (Sheth col 17, ll 6-9; col 17, ll 14-17: software; program modules and data structures) Sheth does not explicitly disclose feedback rules.

However, Slaughter discloses:

d) defining feedback rules. (Slaughter col 87, ll 49-53: feedback information, incentive movie review read by other, can influence other in movie going public; col 12, ll 2-5; col 50, ll 63-66; col 57, ll 46-51: messaging)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sheth to manage services available to client-server entities as taught by Slaughter. One of ordinary skill in the art would be motivated to employ Slaughter in order to utilized automated and dynamic communications and services, complex purchase mechanisms. (Slaughter col 5, l 67 - col 6, l 5)

Regarding Claim 28, Sheth discloses the capability to process enhanced content data comprising:

d) transmitting enhanced data from the enhanced content source to the requestor. (Sheth col 4, ll 59-62; col 5, ll 9-12: enhanced data; col 4, ll 57-59; col 8, ll 16-18: network connections to users)

Sheth disclose wherein receiving a request for enhanced data, the enhanced data including contextual information added to at least one discrete component of data. (Sheth col 18, ll 31-32: request for enhanced data; col 4, ll 54-57; col 17, ll 6-9; col 17, ll 14-17: software implementation, instructions) Sheth does not explicitly disclose whereby a digital identity, and a proxy capability.

However, Slaughter discloses:

a) receiving a request through at least one digital identity for data corresponding to an entity from a requestor; (Slaughter col 60, ll 22-28; col 60, ll 37-42: user identity, authentication)

b) using a digital identity acting as a proxy for the entity to compare an identification of the requestor to access rights; (Slaughter col 27, ll 20-21; col 74, ll 1-7; col 74, ll 15-19: proxy interface capabilities; col 60, ll 22-28; col 60, ll 37-42: user identity authentication (digital identity))

c) transmitting from the digital identity to an enhanced content source an approval to release adding domain specific contextual information to said at least one discrete component of data to enhanced data; (Slaughter col 60, ll 22-28; col 60, ll 37-42: authentication enables access to enhanced content)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sheth to enable a digital identity, and a proxy capability as taught by Slaughter. One of ordinary skill in the art would be motivated to employ Slaughter in order to utilized automated and dynamic communications and services, complex purchase mechanisms. (Slaughter col 5, l 67 - col 6, l 5)

4. **Claims 16 - 20, 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sheth-Slaughter** and further in view **Rahman et al.** (US Patent No. **7,042,851**).

Regarding Claim 16, Sheth discloses a method for content management system utilizing enhanced data. (Sheth col 4, ll 54-64; col 5, ll 9-12: content management system, enhanced data, intended use)

Sheth does not explicitly disclose whereby obtaining information about services that may be of interest to a user.

However, Slaughter discloses wherein a method of obtaining information about services that may be of interest to a user:

a) discovering at least one service offered by at least one entity connected to at least one computer network; (Slaughter col 8, ll 26-32: discover available services)

b) receiving content from said at least one entity that includes terms of said at least one service; (Slaughter col 8, ll 37-39: receive terms for available services)

c) filtering the content to determine whether the content satisfies at least one predetermined rule (Slaughter col 37, ll 9-14: content filtering (i.e. predetermined rules) utilized)

d) generating at least one decision parameter based on profile and preference information; (Slaughter col 3, ll 4-8: decision parameter: user profile usage for content manipulation)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sheth to enable available services management for client-server entities as taught by Slaughter. One of ordinary skill in the art would be motivated to employ Slaughter in order to enable a scaleable distributed computing

mechanism for security, process migration between network nodes within a network environment. (Slaughter col 5, l 67 - col 6, l 5)

Sheth-Slaughter does not explicitly disclose whether the terms of at least one service are acceptable based on at least one decision parameter.

However, Rahman discloses:

e) determining whether the terms of said at least one service are acceptable based on at least one decision parameter. (Rahman col 4, ll 43-51: comparing the request with network information and user information, providing request service based on comparison, associating two parameters (negotiate service terms); col 5, ll 1-17: user information and service information; col 10, ll 53-56: compares service information to determine whether user's desired modification to his service can be negotiated)

It would have been obvious to one of ordinary skill in the art to modify Sheth-Slaughter to negotiate services as taught by Rahman. One of ordinary skill in the art would have been motivated to employ the teachings of Rahman in order for services to be created and/or negotiated by the user without requiring separate excessive processing of each type of service to be created or negotiated. (Rahman col 6, ll 13-17: "*... Thus, the present inventors recognized a need to improve the processing of service configuration and negotiation so that services can be created and/or negotiated by the user without requiring separate excessive processing of each type of service to be created or negotiated. ...*")

Regarding Claim 17, Sheth discloses the method of claim 16. (Sheth col 4, ll 54-64; col 5, ll 9-12: content management system, enhanced data, intended use) Sheth does not explicitly disclose the processing of available services. However, Slaughter discloses wherein the discovering step is performed dynamically. (Slaughter col 8, ll 26-32: discover available services)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sheth to enable discovery and processing of available services management for client-server entities as taught by Slaughter. One of ordinary skill in the art would be motivated to employ Slaughter in order to enable a scaleable distributed computing mechanism for security, process migration between network nodes within a network environment. (Slaughter col 5, l 67 - col 6, l 5)

Regarding Claim 18, Sheth discloses the method of claim 16. (Sheth col 4, ll 54-64; col 5, ll 9-12: content management system, enhanced data, intended use) Sheth does not explicitly disclose processing of available services by the content management system. However, Rahman discloses wherein further including: negotiating with the at least one entity. (Rahman col 4, ll 43-51: comparing the request with network information and user information, providing request service based on comparison, associating two parameters (negotiate service terms); col 5, ll 1-17: user information and service information; col 10, ll 53-56: compares service information to determine whether user's desired modification to his service can be negotiated)

It would have been obvious to one of ordinary skill in the art to modify Sheth to negotiate services as taught by Rahman. One of ordinary skill in the art would have been motivated to employ the teachings of Rahman in order for services to be created and/or negotiated by the user without requiring separate excessive processing of each type of service to be created or negotiated. (Rahman col 6, ll 13-17)

Regarding Claim 19, Sheth discloses the method of claim 16, further comprising providing data to al least one entity. (Sheth col 4, ll 54-64; col 5, ll 9-12: content management system, enhanced data, intended use) Sheth does not explicitly disclose providing financial data to complete a transaction. However, Slaughter discloses wherein providing financial information to the at least one entity to complete a transaction. (Slaughter col 87, ll 49-53: real-time content management system; col 55, ll 2-5; col 38, ll 12-14; col 38, ll 48-52; col 38, ll 63-64: financial information (payroll information), transaction processing)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sheth to manage services available to client-server entities as taught by Slaughter. One of ordinary skill in the art would be motivated to employ Slaughter in order to utilized automated and dynamic communications and services, complex purchase mechanisms. (Slaughter col 5, l 67 - col 6, l 5)

Regarding Claim 20, Sheth discloses a content management system utilizing enhanced content. (Sheth col 4, ll 54-64; col 5, ll 9-12: content management system, enhanced data, intended use)

Sheth does not explicitly disclose whereby monitoring a transaction and updating personal information after the transaction.

However, Slaughter discloses:

a) monitoring a transaction involving the at least one service; (Slaughter col 87, ll 49-53: real-time content management system; col 55, ll 2-5; col 38, ll 12-14; col 38, ll 48-52; col 38, ll 63-64: financial information (payroll information), transaction processing; col 12, ll 2-5; col 50, ll 63-66; col 57, ll 46-51: messaging; col 26, ll 56-62: monitoring)

b) modifying the profile and preference information as a result of the monitoring step. (Slaughter col 87, ll 49-53: real-time content management system; col 55, ll 2-5; col 38, ll 12-14; col 38, ll 48-52; col 38, ll 63-64: financial information (payroll information), transaction processing, col 12, ll 2-5; col 50, ll 63-66; col 57, ll 46-51: messaging; col 26, ll 56-62: monitoring; col 81, ll 37-44: data modification)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sheth to manage services available to client-server entities as taught by Slaughter. One of ordinary skill in the art would be motivated to employ Slaughter in order to utilized automated and dynamic communications and services, complex purchase mechanisms. (Slaughter col 5, l 67 - col 6, l 5)

Regarding Claim 29, Sheth discloses a computer-readable medium having computer-executable instructions for performing the steps comprising:

Sheth discloses wherein a content management system. (Sheth col 4, ll 54-64; col 5, ll 9-12: content management system, enhanced data, intended use; col 4, ll 57-59; col 17, ll 6-9; col 17, ll 14-17: software implementation, instructions)

Sheth does not explicitly disclose available services management.
However, Slaughter discloses:

a) discovering at least one service offered by at least one entity connected to at least one computer network; (Slaughter col 8, ll 26-32: available services processing)

b) receiving content from said at least one entity that includes terms of said at least one service; (Slaughter col 8, ll 37-39: determine terms for available services)

c) filtering the content to determine whether the content satisfies at least one predetermined rule (Slaughter col 37, ll 9-14: content filtering utilized)

d) generating at least one decision parameter based on profile and preference information; (Slaughter col 3, ll 4-8: decision parameter: user profile usage for content manipulation)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sheth to enable available services management for client-server entities as taught by Slaughter. One of ordinary skill in the art would be motivated to employ Slaughter in order to enable a scaleable distributed computing mechanism for security, process migration between network nodes within a network environment. (Slaughter col 5, l 67 - col 6, l 5)

Sheth-Slaughter does not explicitly disclose whether the terms of at least one service are acceptable based on at least one decision parameter.

However, Rahman discloses:

e) determining whether the terms of said at least one service are acceptable based on at least one decision parameter. (Rahman col 4, ll 43-51: comparing the request with network information and user information, providing request service based on comparison, associating two parameters (negotiate service terms); col 5, ll 1-17: user information and service information; col 10, ll 53-56: compares service information to determine whether user's desired modification to his service can be negotiated)

It would have been obvious to one of ordinary skill in the art to modify Sheth-Slaughter to negotiate services as taught by Rahman. One of ordinary skill in the art would have been motivated to employ the teachings of Rahman in order for services to be created and/or negotiated by the user without requiring separate excessive processing of each type of service to be created or negotiated. (Rahman col 6, ll 13-17)

(10) Response to Argument

Grounds of Rejection to be reviewed on Appeal

A. Claims 7, 9-14, 25 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable given Sheth et al. (U.S. Patent No. 6,311,194; hereinafter "Sheth") in view

of Slaughter et al. (U.S. Patent No. 6,970,869; hereinafter "Slaughter").

B. Claims 16-20 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable given Sheth in view of Slaughter and in further view of Rahman et al. (U.S. Patent No. 7,042,851; hereinafter "Rahman").

C. Claim 25 stands rejected under 35 U.S.C. § 101 as being directed to non statutory subject matter.

Argument A.1:

Applicant argues that the referenced prior art does not disclose the modification of enhanced data based on feedback data. (Appeal Brief Pages 15, 16)

As to Argument A.1:

Sheth discloses the concept of enhanced data as per the claimed invention. (Sheth col 4, ll 59-62; col 5, ll 9-12: enhanced data; col 15, ll 18-30: contextual information (skin player background information) related to intended usage as a media player) In addition, Sheth discloses the capability to modify enhanced data to include additional data such as metadata. (Sheth col 4, ll 54-64; col 5, ll 9-12: content management system, enhanced data, intended use) Sheth discloses the concept of metadata as Applicant admits. (Appeal Brief Page 12: summary of Sheth reference) Metadata is defined as data or information about a piece of data.

Sheth discloses all of the claimed invention's concepts except specifically the usage of feedback data. Slaughter discloses the capture of feedback data such as

information concerning a movie review or feedback data provided by movie goers via an interactive movie review process to provide real-time feedback on the movie (content) they are watching. (Slaughter col 87, ll 49-53: feedback information: feedback data processing capability for managed content) Sheth and Slaughter disclose the capability to update enhanced data with additional data such as feedback data.

Argument A.2:

Applicant argues that the referenced prior art does not disclose a digital identity (proxy) acting on behalf of the entity. (Appeal Brief Page 16)

As to Argument A.2:

Slaughter discloses a digital identity that represents a service provided by a server or an entity. Applicant has equated the digital identity to a proxy as indicated by the parenthesis. Slaughter discloses a proxy to provide a service. The proxy is acting on behalf of the service provider or entity and not a client. The service proxy is accessed by the client (the client accesses the service via a proxy) as per the claim limitation. (Slaughter col 73, ll 30-35: proxy, acting on behalf of service entity) The proxy may be a bridge as indicated by the Applicant but it is still acting on behalf of the service provider (entity) or content source. (Slaughter col. 16, ll 26-31: provider of a service such as to store and access content)

Argument A.3:

Applicant argues that the referenced prior art does not disclose the content source

operated by a party other the entity. (Appeal Brief Page 17)

As to Argument A.3:

Specification discloses an entity to be an individual or an institution. Slaughter discloses the concept of a service agent which operates for each service such as a service provider (entity) which can be an institution or enterprise. The service agent acts as a party operating in the place of the entity (Slaughter col 27, ll 8-16: service agent) and as an interface between the service or entity and the client.

Argument A.4:

Applicant argues that the referenced prior art does not disclose a determination whether the terms of a service are acceptable based on a decision parameter. (Appeal Brief Pages 18, 19)

As to Argument A.4:

Slaughter discloses the capability to discover a service (Slaughter col 8, ll 26-32: available services processing) and the capability to receive the terms of the service (Slaughter col 8, ll 37-39: determine terms for available services).

Argument A.5:

Applicant argues that the referenced prior art does not disclose whether the user's desired modification to his service can be negotiated between the service and the network. (Appeal Brief Page 19)

As to Argument A.5:

A network is a collection of network entities in communications. Applicant has indicated negotiating with a network. It is assumed Applicant meant to negotiate the terms of a service with a service provider. (Specification Page 10, Lines 16-20)

Rahman discloses the capability to negotiate the features of a service and to use decision parameter(s) in the negotiation. Rahman discloses accessing user information or parameters in the negotiation process. (Rahman col 4, ll 43-51: comparing the request with network information and user information, providing request service based on comparison, associating two parameters (negotiate service terms); col 5, ll 1-17: user information and service information; col 10, ll 53-56: compares service information to determine whether user's desired modification to his service can be negotiated)

Argument A.6:

Applicant argues the101 rejection for Claim 25. (Appeal Brief Page 14)

As to Argument A.6:

Claim 25 is Non-functional descriptive material *per se. as* it describes, "a computer-readable medium having stored thereon a data structure comprising". The claim does not contain the computer software and hardware components which permit the data structure's functionality of be realized, thus, it is directed to non-statutory subject matter. (MPEP 2106.(I)).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Kyung Hye Shin
Examiner
Art Unit 2443

Conferees:

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/Tonia LM Dollinger/

Supervisory Patent Examiner, Art Unit 2143

/Nathan J. Flynn/

Supervisory Patent Examiner, Art Unit 2454